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SECURITY COUNCIL
Forty-seventh year

Letter dated 10 December 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from His Excellency Dr. Momcilo Grubac, Minister for Human Rights and the Rights of Minorities of the Federal Republic of Yugoslavia, addressed to you (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda item 97 (c), and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 10 December 1992 from the Minister for Human Rights and the Rights of Minorities of the Federal Republic of Yugoslavia addressed to the Secretary-General

In connection with the report on the situation of human rights in the territory of the former Yugoslavia, submitted by the Special Rapporteur, Mr. Tadeusz Mazowiecki, on 17 November 1992 (A/47/666-S/24809), and the draft resolution entitled "Situation of human rights in the territory of the former Yugoslavia", adopted by the Third Committee of the General Assembly on 4 December 1992 (A/C.3/47/L.79/Rev.1), I would like to draw your attention to the following.

1. The Government of the Federal Republic of Yugoslavia fully supports the activities of the United Nations aimed at improving the situation of human rights and humanitarian law in the territories of the former Socialist Federal Republic of Yugoslavia still affected by the armed conflict, especially in Bosnia and Herzegovina.

Certain progress has been made in seeking a global and peaceful solution to the Yugoslav crisis, above all in the framework of the International Conference in Geneva.

However, the main objective, peace in Bosnia and Herzegovina, has not been achieved yet. All the factors involved, as well as the entire international community, are expected to do all in their power to stop the war and grave humanitarian tragedy and find a peaceful solution to the conflict.

2. The Federal Republic of Yugoslavia, although not a party to the conflict, is making every effort and using all its influence, within its possibilities, to bring about an end to the war in Bosnia and Herzegovina. It has fully accepted all the decisions and principles of the London Conference, and considers that their consistent implementation is the only way to stop this senseless and bloody war.

In that context, the Government of the Federal Republic of Yugoslavia considers that full and consistent compliance with the following principles is essential:

- comprehensive solution to the crisis by peaceful means with the assistance of the United Nations, the European Community and the Conference on Security and Cooperation in Europe (CSCE);

- with respect to Bosnia and Herzegovina, a peaceful solution should be based on full agreement of its three constituent nations - Muslims, Serbs and Croats;

- inviolability of existing borders between the republics of the former Socialist Federal Republic of Yugoslavia, except for their changes through peaceful arrangements;

- respect for internationally recognized and accepted obligations and standards of human rights and fundamental freedoms, including the rights of persons belonging to national minorities;

- condemnation and cessation of the policy and practice of ethnic cleansing by whomever it is committed and wherever it occurred;

- provision and unhampered urgent delivery of humanitarian assistance;

- compliance with all relevant resolutions of the United Nations Security Council.

3. The basic and primary goal is to achieve a lasting peace in Bosnia and Herzegovina. In that respect, the Government of the Federal Republic of Yugoslavia has already taken the following steps:

- it has invested great efforts and made a considerable contribution to the lifting of the siege of Sarajevo under the supervision of the United Nations Protection Force (UNPROFOR);

- it supported the decision that a mixed military working group be in permanent session;

- it fully supported the Declaration of the Co-Chairmen of the International Conference on the Former Yugoslavia of 13 October 1992 (S/24795, annex IV). During the recent talks between President Cosić and Prime Minister Panić with the Co-Chairmen, Mr. Vance and Lord Owen in Belgrade, Yugoslavia strongly supported the grounding of all military planes and other aircraft of the Serbian side in Bosnia and Herzegovina at the Banja Luka airfield, also under UNPROFOR supervision;

- to dispel any allegations of its involvement in any military operations in the war in Bosnia and Herzegovina, the Federal Republic of Yugoslavia has insisted since last July that United Nations monitors be placed at all airfields of the former Socialist Federal Republic of Yugoslavia and along the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina as well as between Bosnia and Herzegovina and Croatia;

- the Federal Republic of Yugoslavia has exerted all its influence to bring about an agreement between the Bosnian Serbs and UNPROFOR on deploying United Nations observers at 11 locations around Sarajevo in order to place the heavy artillery of Bosnian Serbs under supervision;

- the last member of the Yugoslav Army was withdrawn in May 1992, as has been confirmed in the Secretary-General's report and by the European Community;

- the President of the Federal Republic of Yugoslavia and the Federal Government have issued orders to the effect of fully preventing the creation of paramilitary forces and their movement from the territory of the Federal Republic of Yugoslavia to Bosnia and Herzegovina;

- the Federal Republic of Yugoslavia has no territorial claims against Bosnia and Herzegovina or any other republic of the former Yugoslavia. That has been clearly stated in the Declaration of the Yugoslav Federal Assembly of 27 April 1992 (A/46/915, annex II) and in the Joint Statement of 19 October 1992 by Presidents Cosić and Izetbegović (S/24795, annex V) reaffirming their commitments to the inviolability of the existing borders, other than through changes reached by peaceful agreement. Moreover, they reaffirmed that a comprehensive political solution in Bosnia and Herzegovina must be found between Muslims, Serbs and Croats, the three constitutent nations of Bosnia and Herzegovina within the International Conference at Geneva.

4. The heart of the matter is that the war in Bosnia and Herzegovina is a civil, ethnic and religious war between Muslims, Serbs and Croats - three peoples of Bosnia and Herzegovina. Bosnian Serbs have lived there from time immemorial. They had their state in Bosnia and Herzegovina centuries before the Ottoman Empire occupied those regions and before Islam was introduced there. Therefore, they cannot be called "aggressors". Calls for their "withdrawal" are equal to calls for ethnic cleansing of a whole nation from their own territory.

The Federal Republic of Yugoslavia cannot be the aggressor either since there are no Yugoslav troops in Bosnia and Herzegovina.

The aggressor in Bosnia and Herzegovina can only be the Republic of Croatia. The regular and well-armed forces, numbering between 40,000 and 60,000 troops, have been fighting in the territory of Bosnia and Herzegovina. This is also recorded in the Security Council documents as well as in the report of the Secretary-General submitted to the General Assembly (A/47/747). It is therefore imperative to condemn such a behaviour and take necessary measures in accordance with Chapter VII of the United Nations Charter against Croatia's obvious aggression. Or otherwise, it would seem that some obvious aggressions are tolerated.

By distorting and ignoring the facts, a false picture has unfortunately been projected to the international public, which is not helping the resolution of the conflict. One-sided condemnation of the Serbs is not only unjust but it further exacerbates the conflict. What is needed instead is an

objective assessment of the responsibility of all the three warring parties. Just as facts must be established objectively, however distressing they may be, so must the blame for atrocities be attributed to all perpetrators irrespective of their national origin and without political or, in particular, religious prejudice. Pinning the blame all too easily on one of the parties to the conflict in Bosnia and Herzegovina can only undermine the general efforts to end the war and stop the violations of human rights in those territories.

Mr. Mazowiecki's report leads to the conclusion that the Federal Republic of Yugoslavia is responsible for acts of Serbs who are not citizens of the Federal Republic of Yugoslavia and who live outside its territory. These citizens and those territories are outside the jurisdiction of the Federal Republic of Yugoslavia. Such accusations and unfounded condemnations, in which respect Mr. Mazowiecki's report is no exception, do not contribute to upgrading the protection of human rights.

The premature recognition of Bosnia and Herzegovina by the European Community, as admitted by many, including Lord Carrington and Mr. Cyrus Vance, directly contributed to the outbreak of the war and dramatically increased the suffering of the people and the number of victims.

5. The Government of the Federal Republic of Yugoslavia assumed office in very difficult circumstances. The country was adversely affected by the consequences of the dissolution of the Socialist Federal Republic of Yugoslavia and the outbreak of the armed conflict, coupled with grave economic problems exacerbated by the United Nations sanctions as well as the burden of a huge number of refugees, etc. Against this backdrop, the Federal Government undertook a number of measures with a view to promoting human rights and their genuine protection. All this has been done in cooperation with the authorities of the Republic of Serbia and the Republic of Montenegro.

6. In the territory of the Federal Republic of Yugoslavia, there is no policy or practice of ethnic cleansing. Yugoslavia has unequivocally condemned and rejected the policy and practice of ethnic cleansing irrespective of where and against which people it is being pursued. Perpetrators of individual incidents in the territory of the Federal Republic of Yugoslavia have been, and will be, brought to justice.

7. Over 600,000 refugees, not only Serbs but also about 40,000 Muslims and members of other nations, have been taken in by the Federal Republic of Yugoslavia without any discrimination whatsoever, and the number of refugees is constantly growing. All these unfortunate people have received equal treatment, with full respect for the main refugee principle of "non-refoulement". Their misfortune is additionally exacerbated by the harsh sanctions of the international community imposed on the Federal Republic of Yugoslavia.

Unfortunately, the report of the Special Rapporteur and the draft resolution adopted in the Third Committee fail to attach due attention to this

grave humanitarian problem. The fact has been systematically ignored that over half a million Serbian refugees have fled Croatia and Bosnia and Herzegovina because of the terror and repressive measures undertaken by the Muslim and Croatian military and paramilitary forces.

The international public is insufficiently familiar with the suffering and position of Serbs outside Serbia, especially in Croatia, who are subject to permanent pressure, dismissal from work, conversion to Catholicism by force, and all other forms of discrimination, as well as to well-known forms of ethnic cleansing, as was the case with ethnic cleansing of Serbs by Croats in the region of Western Slavonia, where 180 villages were cleansed of Serbs. As a result, more than 200,000 Serbs from Croatia sought refuge in the Federal Republic of Yugoslavia. On the other side, the territories of Western Herzegovina and the valley of the Neretva river are now completely ethnically clean. The territory is now inhabited only by Croats. There are no Serbs or Muslims living there anymore. In his report, Mr. Mazowiecki failed to mention this obvious and systematic ethnic cleansing which can be qualified as a cleansing of huge proportions by the size of the territory and number of people it covered.

8. In regard to the reports of the Special Rapporteur, the Federal Government supports the conclusions in Mr. Mazowiecki's second report under points (a) to (d) and is prepared to help in their implementation, just as it is prepared to provide, regardless of its limited possibilities, humanitarian relief to all the inhabitants of Bosnia and Herzegovina, irrespective of religion or nationality.

The Federal Government agrees with the conclusions set out in paragraph 130 of the third report of the Special Rapporteur on the implementation of the Geneva Conventions (A/47/666-S/24809). However, they cannot relate to the Federal Republic of Yugoslavia, since there has not been nor is there an armed conflict in its territory.

9. Regarding those sections of Mr. Mazowiecki's report dealing with the situation in the Federal Republic of Yugoslavia, particularly in Kosovo and Metohija, Vojvodina and those parts of the country designated as "Sandzak", there are a number of inaccuracies not reflecting the true state of affairs.

The Government of the Federal Republic of Yugoslavia, aware of the serious and complex nature of the problems existing in the autonomous province of Kosovo and Metohija, has given the highest priority to efforts to resolve them. Its policy is based on the following premises:

- the solution to the problems in Kosovo and Metohija should proceed from full respect and protection for human rights and freedoms, as well as from the territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia and inviolability of its borders;

- Kosovo and Metohija should have its autonomy within the framework of the legal system of Serbia and Yugoslavia;

- solution to all problems should be sought in dialogue, peacefully and step by step, by taking up specific questions and, above all, without preconditions.

The report of the CSCE mission which visited Kosovo and Metohija last June stated that it had noticed no unusual military activity and that no military activities had been undertaken against the population of Kosovo and Metohija.

The main obstacle to stabilizing the situation and reaching a lasting solution in Kosovo and Metohija is not the violation of human rights but the policy and practice of secession pursued over a long period by leaders of some Albanian minority political parties. The policy which they pursue is that of a total boycott of the State whose citizens they are, which represents a dangerous precedent for all multinational States.

In spite of all our efforts to bring about a democratic solution to all human and minority rights problems, through negotiation with the representatives of the Albanian minority, some factors and States are eager to provoke an armed conflict in Kosovo and Metohija. For example, Albania is directly engaged in this, inter alia, supporting separatists in Kosovo and Metohija and requesting the withdrawal of the Yugoslav Army from the region. This policy of Albania and the support of some other countries in this respect constitutes a direct threat not only to the political dialogue embarked upon in Kosovo and Metohija but also to the peace and stability of the entire region.

As regards the assessment of the situation in Vojvodina and the so-called Sandzak region presented in the report, it is not based on facts and does not correspond to reports of other international governmental and non-governmental organizations.

10. In conclusion, I would like to draw your attention to the statement by the Government of the Federal Republic of Yugoslavia of 24 November 1992 (A/47/712-S/24844, annex) in connection with some parts of the second report submitted by Mr. Tadeusz Mazowiecki (A/47/635-S/24766), as well as to the report of the Government of the Federal Republic of Yugoslavia (A/C.3/47/12, annex) which was submitted to and considered by the Human Rights Committee at its forty-sixth session, held at Geneva from 19 October to 6 November 1992.

(Signed) Momcilo GRUBAC